

REMARKS

The non-final Office Action mailed April 8, 2007 and references cited therein have been reviewed. Applicants have amended the Specification and claims 1 and 49 by this amendment. Applicants submit that the amendment to the Specification does not constitute new matter.

CLAIM OBJECTIONS

Claims 1 and 49 were objected to for including the word "rod" instead of "rod member." Applicants have amended claims 1 and 49 to correct these errors.

Claims 29-32 were objected to as being of improper dependent form. The Examiner stated that the limitations in claims 29-32 were redundant. Applicants have amended claim 1 to clarify that the sealing arrangement defined in claim 1 inhibits fluid flowing between the top bushing and the top end of the housing. Claims 29-32 further limit claim 1 by requiring the top end of the housing to substantially prevent fluid flow through the top end.

Applicants submit that all of the claim objections raised by the Examiner have been addressed.

DOUBLE PATENTING REJECTION

Claims 1-13 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 72-78, 90 and 91 of copending Application Serial No. 10/838,740.

Claim 1 includes the limitations that 1) the guide member includes a first passageway that at least partially regulates fluid flow between the at least two sub-chambers during reciprocation of the rod member, and 2) the first passageway is spaced from an outer edge of the guide member. None of the pending claims in Application Serial No. 10/838,740 include any limitations regarding

the guide member having one or more passageways that are used to at least partially regulate fluid flow between the at least two sub-chambers during reciprocation of the rod member. As such, none of the pending claims in Application Serial No. 10/838,740 make obvious any of the claims pending in the present invention. Applicants request that the double patenting rejection be withdrawn.

THE SECTION 103 REJECTION

Claims 1-32, 49-62, 72-76 and 84-96 were rejected under 35 U.S.C. 103(a) as being unpatentable over Adoline in view of Miura.

Adoline does not disclose teach or suggest a guide member that includes at least one passageway that at least partially regulates fluid flow between the at least two sub-chambers of the housing during reciprocation of the rod member. The Examiner acknowledges this fact.

Miura discloses a hydraulic shock absorber. This shock absorber does not include any type of mechanical spring arrangement as required in claims 1 and 49. As such, Miura discloses a completely different system as compared to the spring system disclosed in Adoline and defined in the claims of the present invention. As such, Adoline in combination with Miura does not make obvious any of the pending claims.

Applicants submit that the claims pending in the above-identified patent application are allowable over the cited art of record.

Respectfully submitted,

FAY SHARPE LLP

By:

BRIAN E. TURUNG

Reg. No. 35,394

1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579

Telephone: (216) 861-5582

Facsimile: (216) 241-1666

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on 7-17-07

Adeline Machado
(SIGNATURE)